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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,579	01/27/2004	Yoichi Sakamoto	00862.023421.	9013
5514 7590 09/09/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
RILEY, MARCUS T				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
09/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/764,579

Applicant(s)

SAKAMOTO, YOICHI

Examiner

MARCUS T. RILEY

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED **21 August 2009** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

/MARCUS T. RILEY/
Examiner, Art Unit 2625

Applicant argues that Kawamoto either alone or in combination with Lung and Horiuchi does not disclose, teaches or suggests predicting coded data amounts for respective printing color components based on a designated table and the sizes of halftone image areas and character/line image areas included in respective printing color components. Applicant also argues that neither reference discloses, teaches or suggests calculating code data amounts for the respective printing color components by counting data amounts of quantized halftone image areas and character/line image areas for respective printing color components in accordance with a designated table.

Examiner understands Applicant's argument but respectfully disagrees. Kawamoto either alone or in combination with Lung and Horiuchi discloses, teaches or suggests the Applicant's claimed invention. Horiuchi at column 1, lines 41-57 discloses, teaches or suggests predicting and calculating coded data amounts for respective printing color components based on a designated table and the sizes of halftone image areas and character/line image areas included in respective printing color components and by counting data amounts of quantized halftone image areas and character/line image areas for respective printing color components in accordance with a designated table. Horiuchi specifically prints color images having half-tones and hues. Horiuchi is able to reproduce picture images with half-tones and hues closely similar to the original in at least sixteen steps of gradations as designated. The size of the ink drops of Horiuchi are practically limited from 100 to 180.mu. in size so that images with half-tones in sufficient steps of gradation are hardly obtainable. Thus, as predicted or calculated by Horiuchi, it is proposed to vary the number of ink dots appearing on a dot matrix having n possible positions in the row and m possible position in the column (n and m being integers) for one picture element so as to reproduce images with half-tones in a sufficiently large number of steps of gradation. as a result, Examiner believes the applied references teaches or suggests the Applicant's claimed invention

Claims 1, 2, 6-8,12-14 & 16 have been considered but does NOT place the application in condition for allowance because it relies on claim limitation not being entered and the finally rejected claims do not overcome the prior art of record. Furthermore, the claim limitation would require further consideration and/or search.